

Introduced by Committee on Business, Professions and Economic Development (Senators Negrete McLeod (Chair), Aanestad, Calderon, Correa, Florez, Oropeza, Walters, Wyland, and Yee)

March 11, 2010

An act to amend Sections 5020, 5021, 5024, 5076, 5090, 5109, 5120, 5122, 7028.6, 7028.7, 7028.9, 7058.5, 7099.2, 7110, 7210.7, 7316, 7317, 7320.1, 7352, and 7410 of, and to repeal Section 5109.5 of, the Business and Professions Code, to amend Section 11126 of the Government Code, and to amend Sections 7054.6 and 8344 of, and to repeal Section 8340 of, the Health and Safety Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1491, as introduced, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy. Existing law authorizes the board to appoint an administrative committee to provide advice and assistance relative to investigations of licensee misconduct. Existing law also authorizes the board to create and appoint other advisory committees consisting of public accountants or certified public accountants who need not be members of the board for the purpose of making recommendations to the board.

This bill would designate the administrative committee as the enforcement advisory committee. The bill would require these other advisory committees to consist solely of board members or to consist of board members and other persons who are not board members.

(2) Existing law provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law, based

upon complaint or otherwise, authorizes the Registrar of Contractors to issue citations for violations of the licensure requirement within 4 years after the act or omission that is the basis for the citation.

This bill would require a citation to be issued within 4 years after the act or omission that is the basis for the citation or within 18 months after filing the complaint with the registrar, whichever is later.

Existing law prohibits a contractor from engaging in asbestos-related work, as specified, without passing an asbestos certification examination. Existing law requires the board to develop, and deliver to all applicants with the request for bond and fee, a booklet relating to the handling and disposal of asbestos, that includes an open book examination concerning asbestos-related work. Existing law requires all applicants for an initial contractor's license and specified applicants filing a delinquent renewal application to complete and sign the open book examination and to submit it to the board with the required renewal or bond and fee.

This bill would instead require the board to make that booklet available to all applicants, either on the board's Internet Web site or upon request in hard copy. The bill would require only applicants for initial licensure to complete the examination and to submit it to the board, as specified.

Under existing law, a willful or deliberate disregard by a licensed contractor of various state building, labor, and safety laws constitutes a cause for disciplinary action.

This bill would specify that a willful or deliberate disregard of the Subletting and Subcontracting Fair Practices Act also constitutes a cause for disciplinary action.

(3) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind that, among others things, licenses and regulates schools and instructors for the training of guide dogs for the blind and the instruction of blind persons in the use of guide dogs.

Under existing law, the board may authorize board-licensed schools or instructors employed by those schools to provide home training, as specified, in the use of guide dogs. Existing law requires schools desiring to provide home training to apply to the board and provide the board with specified information for conducting that home training subject to board approval. Existing law requires these schools to annually provide the board specified information about those persons receiving home training. Existing law also requires, except in cases of undue hardship, the guide dog user to complete a formal in-residence training

program from a licensed or recognized school as a condition of receiving home training.

This bill would eliminate that approval process and other requirements, including the formal in-residence training program for guide dog users, and would instead authorize schools and instructors licensed by the board to provide home training in the use of guide dogs. The bill would also require instructors to file annual reports with the board regarding persons receiving home training.

(4) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology by the State Board of Barbering and Cosmetology.

Under existing law, nail care is a specialty branch within the practice of cosmetology and is the practice of, among other things, cutting, trimming, manicuring nails or massaging, cleansing, or beautifying the hands or feet of any person. Existing law permits metal instruments to be used for the cutting, trimming, manicuring, or pedicuring of nails or cuticles.

This bill would specify that nail care is also the practice of pedicuring nails or massaging, cleansing, or beautifying from the elbow to the fingertips or the knees to the toes of any person. The bill would also permit metal instruments to be used for the smoothing and massaging of the hands and feet.

Existing law makes it unlawful for any person to engage in barbering or cosmetology for compensation or to operate an establishment where barbering or cosmetology is practiced without a license and specifies that a violation of this requirement is a misdemeanor.

This bill would instead provide that a violation of that requirement is subject to an administrative fine and may be subject to a misdemeanor.

Existing law requires barbering and cosmetology establishments to provide specified handwashing facilities, including running water, soap, and approved sanitary towels.

This bill would instead require these establishments to provide running water, soap, and towels or air hand dryers.

Existing law authorizes the board to issue a notice of violation or a citation with an administrative fine to persons violating the act. Existing law authorizes these persons to appeal the citation and requires them or their appointed representative to appear in person before the disciplinary review committee.

This bill would eliminate that appearance requirement and instead authorize these persons or their appointed representative to appear in person before the disciplinary review committee.

(5) Existing law, the Cemetery Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties, including, but not limited to, the registering and regulating of cremated remains disposers.

Existing law authorizes cremated remains to be removed in a durable container from the place of cremation or interment and kept in the dwelling owned or occupied by the person having the right to control disposition of the remains, or kept in a church or religious shrine if certain requirements are met, if the removal is under the authority of a permit for disposition of human remains. Under existing law, these disposition permits are required to include a description of the final place of disposition sufficient to identify the place and are issued by the local registrar. Existing law requires a crematory to maintain a specified identification system and requires that after cremation an identifying disk, tab, or other permanent label be placed within the urn or cremated remains container before the cremated remains are released from the crematory.

This bill would authorize cremated remains to be kept in or on the real property owned or occupied by specified persons with the permission of the person with the right to control disposition of remains. The bill would also authorize a specified amount of cremated remains to be placed in a keepsake urn and kept as authorized by the person or persons with the right to control disposition, provided that a disposition permit is issued by the local registrar for each keepsake urn and a specified permit fee is paid, and would exempt remains in the keepsake urn from those identification system requirements. For all other urns, the bill would require the identifying disk, tab, or other permanent label to contain, among other things, the license number of the crematory. By establishing new duties on the local registrar, the bill would impose a state-mandated local program.

Existing law prohibits a crematory from conducting any business unless there is in the same fireproof building or structure or in a separate fireproof building within the same cemetery a specified columbarium, burial park, or mausoleum.

This bill would delete that prohibition.

(6) The bill would delete various obsolete provisions and make other clarifying and conforming changes.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5020 of the Business and Professions
2 Code is amended to read:

3 5020. The board may, for the purpose of obtaining technical
4 expertise, appoint an—~~administrative enforcement advisory~~
5 committee of not more than 13 licensees to provide advice and
6 assistance related to the functions specified in Section 5103. The
7 committee shall act only in an advisory capacity, shall have no
8 authority to initiate any disciplinary action against a licensee, and
9 shall only be authorized to report its findings from any investigation
10 or hearing conducted pursuant to this section to the board, or upon
11 direction of the board, to the executive officer.

12 SEC. 2. Section 5021 of the Business and Professions Code is
13 amended to read:

14 5021. The members of the—~~administrative enforcement advisory~~
15 and qualifications committees shall hold office for two years.

16 SEC. 3. Section 5024 of the Business and Professions Code is
17 amended to read:

18 5024. The board may create and appoint—~~other~~ advisory
19 committees, consisting of—~~public accountants or certified public~~
20 ~~accountants of this state in good standing~~ *solely of board members*
21 *or consisting of board members and other persons who need are*
22 ~~not be board members of the board~~, for the purpose of making
23 recommendations on matters as may be specified by the board.

24 SEC. 4. Section 5076 of the Business and Professions Code is
25 amended to read:

26 5076. (a) In order to renew its registration, a firm, as defined
27 in Section 5035.1, shall have a peer review report of its accounting
28 and auditing practice accepted by a board-recognized peer review
29 program no less frequently than every three years.

30 (b) For purposes of this article, the following definitions apply:

1 (1) "Peer review" means a study, appraisal, or review conducted
2 in accordance with professional standards of the professional work
3 of a firm, *and may include an evaluation of other factors in*
4 *accordance with the requirements specified by the board in*
5 *regulations. The peer review report shall be issued by an individual*
6 *who has a valid and current license, certificate, or permit to practice*
7 *public accountancy from this state or another state and is*
8 *unaffiliated with the firm being reviewed,* ~~and may include an~~
9 ~~evaluation of other factors in accordance with requirements~~
10 ~~specified by the board in regulations.~~

11 (2) "Accounting and auditing practice" includes any services
12 that are performed using professional standards defined by the
13 board in regulations.

14 (c) The board shall adopt regulations as necessary to implement,
15 interpret, and make specific the peer review requirements in this
16 section, including, but not limited to, regulations specifying the
17 requirements for board recognition of a peer review program,
18 standards for administering a peer review, extensions of time for
19 fulfilling the peer review requirement, exclusions from the peer
20 review program, and document submission.

21 (d) The board shall adopt emergency regulations in accordance
22 with the Administrative Procedure Act (Chapter 3.5 (commencing
23 with Section 11340) of Part 1 of Division 3 of Title 2 of the
24 Government Code) to establish policies, guidelines, and procedures
25 as outlined in subdivision (c). The adoption of the regulations shall
26 be considered by the Office of Administrative Law to be necessary
27 for the immediate preservation of the public peace, health and
28 safety, or general welfare. The emergency regulations shall be
29 submitted to the Office of Administrative Law for filing with the
30 Secretary of State and publication in the California Code of
31 Regulations, and shall be replaced in accordance with the
32 Administrative Procedure Act.

33 (e) Nothing in this section shall prohibit the board from initiating
34 an investigation and imposing discipline against a firm or licensee,
35 either as the result of a complaint that alleges violations of statutes,
36 rules, or regulations, or from information contained in a peer review
37 report received by the board.

38 (f) A firm issued a substandard peer review report, as defined
39 by the board in regulation, shall submit a copy of that report to the
40 board. The board shall establish in regulation the time period that

1 a firm must submit the report to the board. This period shall not
2 exceed 60 days from the time the report is accepted by a
3 board-recognized peer review program provider to the date the
4 report is submitted to the board.

5 (g) (1) A board-recognized peer review program provider shall
6 file a copy with the board of all substandard peer review reports
7 issued to California-licensed firms. The board shall establish in
8 regulation the time period that a board-recognized peer review
9 program provider shall file the report with the board. This period
10 shall not exceed 60 days from the time the report is accepted by a
11 board-recognized peer review program provider to the date the
12 report is filed with the board. These reports may be filed with the
13 board electronically.

14 (2) Nothing in this subdivision shall require a board-recognized
15 peer review program provider, when administering peer reviews
16 in another state, to violate the laws of that state.

17 (h) The board shall, by January 1, 2010, define a substandard
18 peer review report in regulation.

19 (i) Any requirements imposed by a board-recognized peer review
20 program on a firm in conjunction with the completion of a peer
21 review shall be separate from, and in addition to, any action by
22 the board pursuant to this section.

23 (j) Any report of a substandard peer review submitted to the
24 board in conjunction with this section shall be collected for
25 investigatory purposes.

26 (k) Nothing in this section affects the discovery or admissibility
27 of evidence in a civil or criminal action.

28 (l) Nothing in this section requires any firm to become a member
29 of any professional organization.

30 (m) A peer reviewer shall not disclose information concerning
31 licensees or their clients obtained during a peer review, unless
32 specifically authorized pursuant to this section, Section 5076.1, or
33 regulations prescribed by the board.

34 (n) By January 1, 2013, the board shall provide the Legislature
35 and Governor with a report regarding the peer review requirements
36 of this section that includes, without limitation:

37 (1) The extent to which mandatory peer review of small firms
38 or sole practitioners that prepare nondisclosure compiled financial
39 statements on an other comprehensive basis of accounting enhances
40 consumer protection.

(2) The impact of peer review required by this section on small firms and sole practitioners that prepare nondisclosure complied financial statements on an other comprehensive basis of accounting.

(3) The impact of peer review required by this section on small businesses, nonprofit corporations, and other entities that utilize small firms or sole practitioners for the purposes of nondisclosure compiled financial statements prepared on an other comprehensive basis of accounting.

(o) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 5. Section 5090 of the Business and Professions Code is amended to read:

5090. (a) An applicant for the certified public accountant license shall comply with the education, examination, and experience requirements in either Section 5092 or 5093.

~~(b) Notwithstanding subdivision (a), an applicant who applied, qualified, and sat for at least two subjects of the examination for the certified public accountant license before May 15, 2002, may complete the examination and qualify for licensure based on the requirements in Sections 5081.1, 5082, 5082.2, 5083, 5084, and applicable regulations adopted by the board that were in effect on December 31, 2001, or comparable examination requirements adopted by the board in the event the form or format of the examination changes, provided the applicant qualifies and applies for licensure before January 1, 2010.~~

SEC. 6. Section 5109 of the Business and Professions Code is amended to read:

5109. The expiration, cancellation, forfeiture, or suspension of a license, practice, privilege, or other authority to practice public accountancy by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of or action or disciplinary proceeding against the licensee, or to render a decision suspending or revoking the license.

SEC. 7. Section 5109.5 of the Business and Professions Code is repealed.

~~5109.5. The board shall report to the Legislature by September 1, 2003, on problems associated with policing and disciplining~~

1 ~~those accountants who violate Section 5100 or other provisions of~~
2 ~~this chapter and who are employed by a large public accounting~~
3 ~~firm. The board shall look critically at their enforcement budget~~
4 ~~and identify costs of investigation and prosecution of these~~
5 ~~disciplinary actions and propose ways to cover costs of handling~~
6 ~~these types of cases.~~

7 SEC. 8. Section 5120 of the Business and Professions Code is
8 amended to read:

9 5120. Any person who violates Article 3 (commencing with
10 Section 5050) is guilty of a misdemeanor, punishable by
11 imprisonment for not more than six months, or by a fine of not
12 more than one thousand dollars (\$1,000), or both.

13 Whenever the board has reason to believe that any person is
14 liable to punishment under this article, the board or with its
15 approval the ~~administrative~~ *enforcement advisory* committee, may
16 certify the facts to the appropriate enforcement officer of the city
17 or county where the alleged violation had taken place and the
18 officer may cause appropriate proceedings to be brought.

19 SEC. 9. Section 5122 of the Business and Professions Code is
20 amended to read:

21 5122. Whenever in the judgment of the board, or with its
22 approval the ~~administrative~~ *enforcement advisory* committee, any
23 person has engaged, or is about to engage, in any acts or practices
24 ~~which~~ *that* constitute, or will constitute, an offense against this
25 chapter, the board may make application to the appropriate court
26 for an order enjoining the acts or practices, and upon showing by
27 the board that the person has engaged, or is about to engage, in
28 any such acts or practices, an injunction, restraining order, or other
29 order that may be appropriate shall be granted by the court.

30 SEC. 10. Section 7028.6 of the Business and Professions Code
31 is amended to read:

32 7028.6. The Registrar of Contractors is hereby empowered to
33 issue citations containing orders of abatement and civil penalties
34 against persons acting in the capacity of or engaging in the business
35 of a contractor within this state without having a license in good
36 standing to so act or engage ~~or a failure to maintain the notice~~
37 ~~required in Section 7048.~~

38 SEC. 11. Section 7028.7 of the Business and Professions Code
39 is amended to read:

1 7028.7. (a) If upon inspection or investigation, either upon
2 complaint or otherwise, the registrar has probable cause to believe
3 that a person is acting in the capacity of or engaging in the business
4 of a contractor or salesperson within this state without having a
5 license or registration in good standing to so act or engage, and
6 the person is not otherwise exempted from this chapter, the registrar
7 shall issue a citation to that person.

8 (b) Within 72 hours of receiving notice that a public entity is
9 intending to award, or has awarded, a contract to an unlicensed
10 contractor, the registrar shall give written notice to the public entity
11 that a citation may be issued if a contract is awarded to an
12 unlicensed contractor. If after receiving the written notice from
13 the registrar that the public entity has awarded or awards the
14 contract to an unlicensed contractor, the registrar may issue a
15 citation to the responsible officer or employee of the public entity
16 as specified in Section 7028.15.

17 (c) Each citation shall be in writing and shall describe with
18 particularity the basis of the citation. ~~Each~~ *Notwithstanding*
19 *Sections 125.9 and 148, each* citation shall contain an order of
20 abatement and an assessment of a civil penalty in an amount not
21 less than two hundred dollars (\$200) nor more than fifteen thousand
22 dollars (\$15,000).

23 (d) With the approval of the Contractors' State License Board,
24 the registrar shall prescribe procedures for the issuance of a citation
25 under this section. ~~The Contractors' State License Board~~ *board*
26 shall adopt regulations covering the assessment of a civil penalty
27 that shall give due consideration to the gravity of the violation,
28 and any history of previous violations.

29 (e) The sanctions authorized under this section shall be separate
30 from, and in addition to, all other remedies either civil or criminal.

31 SEC. 12. Section 7028.9 of the Business and Professions Code
32 is amended to read:

33 7028.9. A citation under Section 7028.7 shall be issued by the
34 registrar within four years after the act or omission that is the basis
35 for the citation *or within 18 months after the date of the filing of*
36 *the complaint with the registrar, whichever is later.*

37 SEC. 13. Section 7058.5 of the Business and Professions Code
38 is amended to read:

39 7058.5. (a) No contractor shall engage in asbestos-related
40 work, as defined in Section 6501.8 of the Labor Code, ~~which that~~

1 involves 100 square feet or more of surface area of asbestos
2 containing materials, unless the qualifier for the license passes an
3 asbestos certification examination. Additional updated asbestos
4 certification examinations may be required based on new health
5 and safety information. The decision on whether to require an
6 updated certification examination shall be made by the Contractors'
7 State License Board, in consultation with the Division of
8 Occupational Safety and Health in the Department of Industrial
9 Relations and the ~~State Department of Health Services Division~~
10 *of Environmental and Occupational Disease Control in the State*
11 *Department of Public Health.*

12 No asbestos certification examination shall be required for
13 contractors involved with the installation, maintenance, and repair
14 of asbestos cement pipe or sheets, vinyl asbestos floor materials,
15 or asbestos bituminous or resinous materials.

16 "Asbestos," as used in this section, has the same meaning as
17 defined in Section 6501.7 of the Labor Code.

18 (b) The Contractors' State License Board shall ~~develop, and~~
19 ~~deliver~~ *make available* to all applicants ~~with the request for bond~~
20 ~~and fee, either on the board's Internet Web site or, if requested,~~
21 *in hard copy*, a booklet containing information relative to handling
22 and disposal of asbestos, together with an open book examination
23 concerning asbestos-related work. All applicants for an initial
24 contractor's license ~~and all applicants filing a delinquent renewal~~
25 ~~application who have not previously completed the open book~~
26 ~~examination shall complete and sign the open book examination~~
27 ~~and, prior to the issuance of a contractor's license, submit it to~~
28 ~~the Contractors' State License Board with the required renewal or~~
29 ~~bond and fee board electronically or by mail if the applicant elects~~
30 *to use the hard-copy format.*

31 SEC. 14. Section 7099.2 of the Business and Professions Code
32 is amended to read:

33 7099.2. (a) The board shall promulgate regulations covering
34 the assessment of civil penalties under this article ~~which~~ *that* give
35 due consideration to the appropriateness of the penalty with respect
36 to the following factors:

37 (1) The gravity of the violation.

38 (2) The good faith of the licensee or applicant for licensure
39 being charged.

40 (3) The history of previous violations.

(b) Except as otherwise provided by this chapter, no civil penalty shall be assessed in an amount greater than five thousand dollars (\$5,000). ~~A Notwithstanding Section 125.9, a civil penalty not to exceed fifteen thousand dollars (\$15,000) may be assessed for a violation of Section 7114 or 7118.~~

SEC. 15. Section 7110 of the Business and Professions Code is amended to read:

7110. Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of Section ~~8505~~ 8550 or 8556 of this code, or of Sections 1689.5 to ~~1689.8, inclusive, or Sections 1689.10 to 1689.13~~ 1689.15, inclusive, of the Civil Code, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, ~~or of the Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code)~~, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells, or Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for disciplinary action.

SEC. 16. Section 7210.7 of the Business and Professions Code is amended to read:

~~7210.7. The board may authorize schools licensed by the board or instructors employed by those schools to provide home training in the use of guide dogs.~~

~~If a school desires to provide home training in the use of guide dogs, it shall apply to the board and provide the board with a written plan and procedure for conducting that home training, which shall be approved by the board prior to conducting any home training.~~

7210.7. Schools and instructors licensed by the board may provide home training in the use of guide dogs.

Schools and instructors providing home training in the use of guide dogs shall, annually, provide the board with the names and addresses of those persons who are receiving home training and shall include those persons who have received home training from the school *or instructor* subsequent to the last report filed with the board.

1 ~~The guide dog user, as a condition of receiving home training,~~
2 ~~shall have completed a formal in-residence training program from~~
3 ~~a school licensed by the board to provide guide dog training, or~~
4 ~~from a school recognized by another state to provide guide dog~~
5 ~~training.~~

6 ~~The requirement for a formal in-residence training program from~~
7 ~~a school licensed by the board may be waived by the school when~~
8 ~~that requirement imposes an undue hardship on the guide dog user.~~

9 ~~Home training, as provided in this section, shall consist of not~~
10 ~~less than 20 hours of training.~~

11 ~~This section shall only apply to those schools that are licensed~~
12 ~~by the board to furnish guide dogs and to train persons to use guide~~
13 ~~dogs, who desire to provide home training in the use of guide dogs,~~
14 ~~and who apply to the board for approval to provide that home~~
15 ~~training.~~

16 SEC. 17. Section 7316 of the Business and Professions Code
17 is amended to read:

18 7316. (a) The practice of barbering is all or any combination
19 of the following practices:

20 (1) Shaving or trimming the beard or cutting the hair.

21 (2) Giving facial and scalp massages or treatments with oils,
22 creams, lotions, or other preparations either by hand or mechanical
23 appliances.

24 (3) Singeing, shampooing, arranging, dressing, curling, waving,
25 chemical waving, hair relaxing, or dyeing the hair or applying hair
26 tonics.

27 (4) Applying cosmetic preparations, antiseptics, powders, oils,
28 clays, or lotions to scalp, face, or neck.

29 (5) Hairstyling of all textures of hair by standard methods that
30 are current at the time of the hairstyling.

31 (b) The practice of cosmetology is all or any combination of
32 the following practices:

33 (1) Arranging, dressing, curling, waving, machineless permanent
34 waving, permanent waving, cleansing, cutting, shampooing,
35 relaxing, singeing, bleaching, tinting, coloring, straightening,
36 dyeing, applying hair tonics to, beautifying, or otherwise treating
37 by any means, the hair of any person.

38 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
39 arms, or upper part of the human body, by means of the hands,

1 devices, apparatus or appliances, with or without the use of
2 cosmetic preparations, antiseptics, tonics, lotions, or creams.

3 (3) Beautifying the face, neck, arms, or upper part of the human
4 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
5 or creams.

6 (4) Removing superfluous hair from the body of any person by
7 the use of depilatories or by the use of tweezers, chemicals, or
8 preparations or by the use of devices or appliances of any kind or
9 description, except by the use of light waves, commonly known
10 as rays.

11 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
12 or manicuring the nails of any person.

13 (6) Massaging, cleansing, treating, or beautifying the hands or
14 feet of any person.

15 (c) Within the practice of cosmetology there exist the specialty
16 branches of skin care and nail care.

17 (1) Skin care is any one or more of the following practices:

18 (A) Giving facials, applying makeup, giving skin care, removing
19 superfluous hair from the body of any person by the use of
20 depilatories, tweezers or waxing, or applying eyelashes to any
21 person.

22 (B) Beautifying the face, neck, arms, or upper part of the human
23 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
24 or creams.

25 (C) Massaging, cleaning, or stimulating the face, neck, arms,
26 or upper part of the human body, by means of the hands, devices,
27 apparatus, or appliances, with the use of cosmetic preparations,
28 antiseptics, tonics, lotions, or creams.

29 (2) Nail care is the practice of cutting, trimming, polishing,
30 coloring, tinting, cleansing, ~~or~~ manicuring, *or pedicuring* the nails
31 of any person or massaging, cleansing, or beautifying ~~the hands~~
32 ~~or feet from the elbow to the fingertips or the knee to the toes~~ of
33 any person.

34 (d) The practice of barbering and the practice of cosmetology
35 do not include any of the following:

36 (1) The mere sale, fitting, or styling of wigs or hairpieces.

37 (2) Natural hair braiding. Natural hair braiding is a service that
38 results in tension on hair strands or roots by twisting, wrapping,
39 weaving, extending, locking, or braiding by hand or mechanical
40 device, provided that the service does not include haircutting or

1 the application of dyes, reactive chemicals, or other preparations
2 to alter the color of the hair or to straighten, curl, or alter the
3 structure of the hair.

4 (3) Threading. Threading is a technique that results in removing
5 hair by twisting thread around unwanted hair and pulling it from
6 the skin and the incidental trimming of eyebrow hair.

7 (e) Notwithstanding paragraph (2) of subdivision (d), a person
8 who engages in natural hairstyling, which is defined as the
9 provision of natural hair braiding services together with any of the
10 services or procedures defined within the regulated practices of
11 barbering or cosmetology, is subject to regulation pursuant to this
12 chapter and shall obtain and maintain a barbering or cosmetology
13 license as applicable to the services respectively offered or
14 performed.

15 (f) Electrolysis is the practice of removing hair from, or
16 destroying hair on, the human body by the use of an electric needle
17 only.

18 “Electrolysis” as used in this chapter includes electrolysis or
19 thermolysis.

20 SEC. 18. Section 7317 of the Business and Professions Code
21 is amended to read:

22 7317. Except as provided in this article, it is unlawful for any
23 person, firm, or corporation to engage in barbering, cosmetology,
24 or electrolysis for compensation without a valid, unexpired license
25 issued by the board, or in an establishment or mobile unit other
26 than one licensed by the board, or conduct or operate an
27 establishment, or any other place of business in which barbering,
28 cosmetology, or electrolysis is practiced unless licensed under this
29 chapter. Persons licensed under this chapter shall limit their practice
30 and services rendered to the public to only those areas for which
31 they are licensed. Any violation of this section is *subject to an*
32 *administrative fine and may be subject to* a misdemeanor.

33 SEC. 19. Section 7320.1 of the Business and Professions Code
34 is amended to read:

35 7320.1. When providing a manicure or pedicure, no metal
36 instruments shall be used except those metal instruments necessary
37 for the cutting, trimming, manicuring, or pedicuring of nails or
38 cuticles *or for the smoothing and massaging of the hands and feet.*

39 SEC. 20. Section 7352 of the Business and Professions Code
40 is amended to read:

1 7352. Every establishment shall provide adequate and
2 convenient handwashing facilities, including running water, soap,
3 and ~~approved sanitary~~ towels *or air hand dryers*.

4 SEC. 21. Section 7410 of the Business and Professions Code
5 is amended to read:

6 7410. Persons to whom a notice of violation or a citation is
7 issued and an administrative fine assessed may appeal the citation
8 to a disciplinary review committee established by the board. All
9 appeals shall be submitted in writing to the program within 30
10 days of the date the citation was issued. Appeals of citations that
11 are not submitted in a timely manner shall be rejected.

12 After a timely appeal has been filed with the program, the
13 administrative fine, if any, shall be stayed until the appeal has been
14 adjudicated.

15 Persons appealing a citation, or their appointed representatives,
16 ~~shall~~ *may* appear in person before the disciplinary review
17 committee. The appellant may present written or oral evidence
18 relating to the facts and circumstances relating to the citation that
19 was issued. Following an appeal ~~before~~ *to* a disciplinary review
20 committee, the disciplinary review committee shall issue a decision,
21 based on findings of fact, which may affirm, reduce, dismiss, or
22 alter any charges filed in the citation. In no event shall the
23 administrative fine be increased. The appellant shall be provided
24 with a written copy of the disciplinary review committee's decision
25 relating to the appeal.

26 SEC. 22. Section 11126 of the Government Code is amended
27 to read:

28 11126. (a) (1) Nothing in this article shall be construed to
29 prevent a state body from holding closed sessions during a regular
30 or special meeting to consider the appointment, employment,
31 evaluation of performance, or dismissal of a public employee or
32 to hear complaints or charges brought against that employee by
33 another person or employee unless the employee requests a public
34 hearing.

35 (2) As a condition to holding a closed session on the complaints
36 or charges to consider disciplinary action or to consider dismissal,
37 the employee shall be given written notice of his or her right to
38 have a public hearing, rather than a closed session, and that notice
39 shall be delivered to the employee personally or by mail at least
40 24 hours before the time for holding a regular or special meeting.

1 If notice is not given, any disciplinary or other action taken against
2 any employee at the closed session shall be null and void.

3 (3) The state body also may exclude from any public or closed
4 session, during the examination of a witness, any or all other
5 witnesses in the matter being investigated by the state body.

6 (4) Following the public hearing or closed session, the body
7 may deliberate on the decision to be reached in a closed session.

8 (b) For the purposes of this section, “employee” does not include
9 any person who is elected to, or appointed to a public office by,
10 any state body. However, officers of the California State University
11 who receive compensation for their services, other than per diem
12 and ordinary and necessary expenses, shall, when engaged in that
13 capacity, be considered employees. Furthermore, for purposes of
14 this section, the term employee includes a person exempt from
15 civil service pursuant to subdivision (e) of Section 4 of Article VII
16 of the California Constitution.

17 (c) Nothing in this article shall be construed to do any of the
18 following:

19 (1) Prevent state bodies that administer the licensing of persons
20 engaging in businesses or professions from holding closed sessions
21 to prepare, approve, grade, or administer examinations.

22 (2) Prevent an advisory body of a state body that administers
23 the licensing of persons engaged in businesses or professions from
24 conducting a closed session to discuss matters that the advisory
25 body has found would constitute an unwarranted invasion of the
26 privacy of an individual licensee or applicant if discussed in an
27 open meeting, provided the advisory body does not include a
28 quorum of the members of the state body it advises. Those matters
29 may include review of an applicant’s qualifications for licensure
30 and an inquiry specifically related to the state body’s enforcement
31 program concerning an individual licensee or applicant where the
32 inquiry occurs prior to the filing of a civil, criminal, or
33 administrative disciplinary action against the licensee or applicant
34 by the state body.

35 (3) Prohibit a state body from holding a closed session to
36 deliberate on a decision to be reached in a proceeding required to
37 be conducted pursuant to Chapter 5 (commencing with Section
38 11500) or similar provisions of law.

39 (4) Grant a right to enter any correctional institution or the
40 grounds of a correctional institution where that right is not

1 otherwise granted by law, nor shall anything in this article be
2 construed to prevent a state body from holding a closed session
3 when considering and acting upon the determination of a term,
4 parole, or release of any individual or other disposition of an
5 individual case, or if public disclosure of the subjects under
6 discussion or consideration is expressly prohibited by statute.

7 (5) Prevent any closed session to consider the conferring of
8 honorary degrees, or gifts, donations, and bequests that the donor
9 or proposed donor has requested in writing to be kept confidential.

10 (6) Prevent the Alcoholic Beverage Control Appeals Board from
11 holding a closed session for the purpose of holding a deliberative
12 conference as provided in Section 11125.

13 (7) (A) Prevent a state body from holding closed sessions with
14 its negotiator prior to the purchase, sale, exchange, or lease of real
15 property by or for the state body to give instructions to its
16 negotiator regarding the price and terms of payment for the
17 purchase, sale, exchange, or lease.

18 (B) However, prior to the closed session, the state body shall
19 hold an open and public session in which it identifies the real
20 property or real properties that the negotiations may concern and
21 the person or persons with whom its negotiator may negotiate.

22 (C) For purposes of this paragraph, the negotiator may be a
23 member of the state body.

24 (D) For purposes of this paragraph, “lease” includes renewal or
25 renegotiation of a lease.

26 (E) Nothing in this paragraph shall preclude a state body from
27 holding a closed session for discussions regarding eminent domain
28 proceedings pursuant to subdivision (e).

29 (8) Prevent the California Postsecondary Education Commission
30 from holding closed sessions to consider matters pertaining to the
31 appointment or termination of the Director of the California
32 Postsecondary Education Commission.

33 (9) Prevent the Council for Private Postsecondary and
34 Vocational Education from holding closed sessions to consider
35 matters pertaining to the appointment or termination of the
36 Executive Director of the Council for Private Postsecondary and
37 Vocational Education.

38 (10) Prevent the Franchise Tax Board from holding closed
39 sessions for the purpose of discussion of confidential tax returns
40 or information the public disclosure of which is prohibited by law,

1 or from considering matters pertaining to the appointment or
2 removal of the Executive Officer of the Franchise Tax Board.

3 (11) Require the Franchise Tax Board to notice or disclose any
4 confidential tax information considered in closed sessions, or
5 documents executed in connection therewith, the public disclosure
6 of which is prohibited pursuant to Article 2 (commencing with
7 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the
8 Revenue and Taxation Code.

9 (12) Prevent the Corrections Standards Authority from holding
10 closed sessions when considering reports of crime conditions under
11 Section 6027 of the Penal Code.

12 (13) Prevent the State Air Resources Board from holding closed
13 sessions when considering the proprietary specifications and
14 performance data of manufacturers.

15 (14) Prevent the State Board of Education or the Superintendent
16 of Public Instruction, or any committee advising the board or the
17 Superintendent, from holding closed sessions on those portions of
18 its review of assessment instruments pursuant to Chapter 5
19 (commencing with Section 60600) of, or pursuant to Chapter 9
20 (commencing with Section 60850) of, Part 33 of Division 4 of
21 Title 2 of the Education Code during which actual test content is
22 reviewed and discussed. The purpose of this provision is to
23 maintain the confidentiality of the assessments under review.

24 (15) Prevent the California Integrated Waste Management Board
25 or its auxiliary committees from holding closed sessions for the
26 purpose of discussing confidential tax returns, discussing trade
27 secrets or confidential or proprietary information in its possession,
28 or discussing other data, the public disclosure of which is
29 prohibited by law.

30 (16) Prevent a state body that invests retirement, pension, or
31 endowment funds from holding closed sessions when considering
32 investment decisions. For purposes of consideration of shareholder
33 voting on corporate stocks held by the state body, closed sessions
34 for the purposes of voting may be held only with respect to election
35 of corporate directors, election of independent auditors, and other
36 financial issues that could have a material effect on the net income
37 of the corporation. For the purpose of real property investment
38 decisions that may be considered in a closed session pursuant to
39 this paragraph, a state body shall also be exempt from the

1 provisions of paragraph (7) relating to the identification of real
2 properties prior to the closed session.

3 (17) Prevent a state body, or boards, commissions,
4 administrative officers, or other representatives that may properly
5 be designated by law or by a state body, from holding closed
6 sessions with its representatives in discharging its responsibilities
7 under Chapter 10 (commencing with Section 3500), Chapter 10.3
8 (commencing with Section 3512), Chapter 10.5 (commencing with
9 Section 3525), or Chapter 10.7 (commencing with Section 3540)
10 of Division 4 of Title 1 as the sessions relate to salaries, salary
11 schedules, or compensation paid in the form of fringe benefits.
12 For the purposes enumerated in the preceding sentence, a state
13 body may also meet with a state conciliator who has intervened
14 in the proceedings.

15 (18) (A) Prevent a state body from holding closed sessions to
16 consider matters posing a threat or potential threat of criminal or
17 terrorist activity against the personnel, property, buildings,
18 facilities, or equipment, including electronic data, owned, leased,
19 or controlled by the state body, where disclosure of these
20 considerations could compromise or impede the safety or security
21 of the personnel, property, buildings, facilities, or equipment,
22 including electronic data, owned, leased, or controlled by the state
23 body.

24 (B) Notwithstanding any other provision of law, a state body,
25 at any regular or special meeting, may meet in a closed session
26 pursuant to subparagraph (A) upon a two-thirds vote of the
27 members present at the meeting.

28 (C) After meeting in closed session pursuant to subparagraph
29 (A), the state body shall reconvene in open session prior to
30 adjournment and report that a closed session was held pursuant to
31 subparagraph (A), the general nature of the matters considered,
32 and whether any action was taken in closed session.

33 (D) After meeting in closed session pursuant to subparagraph
34 (A), the state body shall submit to the Legislative Analyst written
35 notification stating that it held this closed session, the general
36 reason or reasons for the closed session, the general nature of the
37 matters considered, and whether any action was taken in closed
38 session. The Legislative Analyst shall retain for no less than four
39 years any written notification received from a state body pursuant
40 to this subparagraph.

1 (d) (1) Notwithstanding any other provision of law, any meeting
2 of the Public Utilities Commission at which the rates of entities
3 under the commission's jurisdiction are changed shall be open and
4 public.

5 (2) Nothing in this article shall be construed to prevent the
6 Public Utilities Commission from holding closed sessions to
7 deliberate on the institution of proceedings, or disciplinary actions
8 against any person or entity under the jurisdiction of the
9 commission.

10 (e) (1) Nothing in this article shall be construed to prevent a
11 state body, based on the advice of its legal counsel, from holding
12 a closed session to confer with, or receive advice from, its legal
13 counsel regarding pending litigation when discussion in open
14 session concerning those matters would prejudice the position of
15 the state body in the litigation.

16 (2) For purposes of this article, all expressions of the
17 lawyer-client privilege other than those provided in this subdivision
18 are hereby abrogated. This subdivision is the exclusive expression
19 of the lawyer-client privilege for purposes of conducting closed
20 session meetings pursuant to this article. For purposes of this
21 subdivision, litigation shall be considered pending when any of
22 the following circumstances exist:

23 (A) An adjudicatory proceeding before a court, an administrative
24 body exercising its adjudicatory authority, a hearing officer, or an
25 arbitrator, to which the state body is a party, has been initiated
26 formally.

27 (B) (i) A point has been reached where, in the opinion of the
28 state body on the advice of its legal counsel, based on existing
29 facts and circumstances, there is a significant exposure to litigation
30 against the state body.

31 (ii) Based on existing facts and circumstances, the state body
32 is meeting only to decide whether a closed session is authorized
33 pursuant to clause (i).

34 (C) (i) Based on existing facts and circumstances, the state
35 body has decided to initiate or is deciding whether to initiate
36 litigation.

37 (ii) The legal counsel of the state body shall prepare and submit
38 to it a memorandum stating the specific reasons and legal authority
39 for the closed session. If the closed session is pursuant to paragraph
40 (1), the memorandum shall include the title of the litigation. If the

1 closed session is pursuant to subparagraph (A) or (B), the
2 memorandum shall include the existing facts and circumstances
3 on which it is based. The legal counsel shall submit the
4 memorandum to the state body prior to the closed session, if
5 feasible, and in any case no later than one week after the closed
6 session. The memorandum shall be exempt from disclosure
7 pursuant to Section 6254.25.

8 (iii) For purposes of this subdivision, “litigation” includes any
9 adjudicatory proceeding, including eminent domain, before a court,
10 administrative body exercising its adjudicatory authority, hearing
11 officer, or arbitrator.

12 (iv) Disclosure of a memorandum required under this
13 subdivision shall not be deemed as a waiver of the lawyer-client
14 privilege, as provided for under Article 3 (commencing with
15 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

16 (f) In addition to subdivisions (a), (b), and (c), nothing in this
17 article shall be construed to do any of the following:

18 (1) Prevent a state body operating under a joint powers
19 agreement for insurance pooling from holding a closed session to
20 discuss a claim for the payment of tort liability or public liability
21 losses incurred by the state body or any member agency under the
22 joint powers agreement.

23 (2) Prevent the examining committee established by the State
24 Board of Forestry and Fire Protection, pursuant to Section 763 of
25 the Public Resources Code, from conducting a closed session to
26 consider disciplinary action against an individual professional
27 forester prior to the filing of an accusation against the forester
28 pursuant to Section 11503.

29 (3) Prevent ~~an administrative~~ *the enforcement advisory*
30 committee established by the California Board of Accountancy
31 pursuant to Section 5020 of the Business and Professions Code
32 from conducting a closed session to consider disciplinary action
33 against an individual accountant prior to the filing of an accusation
34 against the accountant pursuant to Section 11503. Nothing in this
35 article shall be construed to prevent ~~an examining~~ *the qualifications*
36 committee established by the California Board of Accountancy
37 pursuant to Section 5023 of the Business and Professions Code
38 from conducting a closed hearing to interview an individual
39 applicant or accountant regarding the applicant’s qualifications.

1 (4) Prevent a state body, as defined in subdivision (b) of Section
2 11121, from conducting a closed session to consider any matter
3 that properly could be considered in closed session by the state
4 body whose authority it exercises.

5 (5) Prevent a state body, as defined in subdivision (d) of Section
6 11121, from conducting a closed session to consider any matter
7 that properly could be considered in a closed session by the body
8 defined as a state body pursuant to subdivision (a) or (b) of Section
9 11121.

10 (6) Prevent a state body, as defined in subdivision (c) of Section
11 11121, from conducting a closed session to consider any matter
12 that properly could be considered in a closed session by the state
13 body it advises.

14 (7) Prevent the State Board of Equalization from holding closed
15 sessions for either of the following:

16 (A) When considering matters pertaining to the appointment or
17 removal of the Executive Secretary of the State Board of
18 Equalization.

19 (B) For the purpose of hearing confidential taxpayer appeals or
20 data, the public disclosure of which is prohibited by law.

21 (8) Require the State Board of Equalization to disclose any
22 action taken in closed session or documents executed in connection
23 with that action, the public disclosure of which is prohibited by
24 law pursuant to Sections 15619 and 15641 of this code and Sections
25 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,
26 45982, 46751, 50159, 55381, and 60609 of the Revenue and
27 Taxation Code.

28 (9) Prevent the California Earthquake Prediction Evaluation
29 Council, or other body appointed to advise the Director of the
30 Office of Emergency Services or the Governor concerning matters
31 relating to volcanic or earthquake predictions, from holding closed
32 sessions when considering the evaluation of possible predictions.

33 (g) This article does not prevent either of the following:

34 (1) The Teachers' Retirement Board or the Board of
35 Administration of the Public Employees' Retirement System from
36 holding closed sessions when considering matters pertaining to
37 the recruitment, appointment, employment, or removal of the chief
38 executive officer or when considering matters pertaining to the
39 recruitment or removal of the Chief Investment Officer of the State

1 Teachers' Retirement System or the Public Employees' Retirement
2 System.

3 (2) The Commission on Teacher Credentialing from holding
4 closed sessions when considering matters relating to the
5 recruitment, appointment, or removal of its executive director.

6 (h) This article does not prevent the Board of Administration
7 of the Public Employees' Retirement System from holding closed
8 sessions when considering matters relating to the development of
9 rates and competitive strategy for plans offered pursuant to Chapter
10 15 (commencing with Section 21660) of Part 3 of Division 5 of
11 Title 2.

12 (i) This article does not prevent the Managed Risk Medical
13 Insurance Board from holding closed sessions when considering
14 matters related to the development of rates and contracting strategy
15 for entities contracting or seeking to contract with the board
16 pursuant to Part 6.2 (commencing with Section 12693), Part 6.3
17 (commencing with Section 12695), Part 6.4 (commencing with
18 Section 12699.50), or Part 6.5 (commencing with Section 12700)
19 of Division 2 of the Insurance Code.

20 (j) Nothing in this article shall be construed to prevent the board
21 of the State Compensation Insurance Fund from holding closed
22 sessions in the following:

23 (1) When considering matters related to claims pursuant to
24 Chapter 1 (commencing with Section 3200) of Division 4 of the
25 Labor Code, to the extent that confidential medical information
26 or other individually identifiable information would be disclosed.

27 (2) To the extent that matters related to audits and investigations
28 that have not been completed would be disclosed.

29 (3) To the extent that an internal audit containing proprietary
30 information would be disclosed.

31 (4) To the extent that the session would address the development
32 of rates, contracting strategy, underwriting, or competitive strategy,
33 pursuant to the powers granted to the board in Chapter 4
34 (commencing with Section 11770) of Part 3 of Division 2 of the
35 Insurance Code, when discussion in open session concerning those
36 matters would prejudice the position of the State Compensation
37 Insurance Fund.

38 (k) The State Compensation Insurance Fund shall comply with
39 the procedures specified in Section 11125.4 of the Government
40 Code with respect to any closed session or meeting authorized by

1 subdivision (j), and in addition shall provide an opportunity for a
2 member of the public to be heard on the issue of the
3 appropriateness of closing the meeting or session.

4 SEC. 23. Section 7054.6 of the Health and Safety Code is
5 amended to read:

6 7054.6. (a) ~~Cremated~~ *Except as provided in subdivision (b),*
7 *cremated* remains may be removed in a durable container from
8 the place of cremation or interment and kept in ~~or on the dwelling~~
9 ~~real property owned or occupied by the person having the right~~
10 ~~to control disposition of the remains under a person described in~~
11 *Section 7100, with the permission of the person with the right to*
12 *disposition, or the durable container holding the cremated remains*
13 *may be kept in a church or religious shrine, if written permission*
14 *of the church or religious shrine is obtained and there is no conflict*
15 *with local use permit requirements or zoning laws, if the removal*
16 *is under the authority of a permit for disposition granted under*
17 *Section 103060. The placement, in any place, of six or more*
18 *cremated remains under this section does not constitute the place*
19 *a cemetery, as defined in Section 7003.*

20 (b) *Notwithstanding any other provision of law, cremated*
21 *remains may be placed in one or more keepsake urns, in an amount*
22 *not to exceed one cubic centimeter for each keepsake urn. Keepsake*
23 *urns shall be kept as authorized by the person or persons with the*
24 *right to control disposition pursuant to Section 7100, provided*
25 *that a permit for disposition of human remains pursuant to Section*
26 *103060 is issued by the local registrar for each keepsake urn*
27 *designating the home address of each person receiving a keepsake*
28 *urn and a permit fee pursuant to Section 103065 is paid. No*
29 *keepsake urn shall be subject to Section 8345.*

30 ~~(b)~~
31 (c) Prior to disposition of cremated remains, every licensee or
32 registrant pursuant to Chapter 12 (commencing with Section 7600)
33 or Chapter 19 (commencing with Section 9600) of Division 3 of
34 the Business and Professions Code, and the agents and employees
35 of the licensee or registrant shall do all of the following:

36 (1) Remove the cremated remains from the place of cremation
37 in a durable container.

38 (2) Keep the cremated remains in a durable container.

39 (3) Store the cremated remains in a place free from exposure to
40 the elements.

1 (4) Responsibly maintain the cremated remains.

2 SEC. 24. Section 8340 of the Health and Safety Code is
3 repealed.

4 ~~8340. No crematory shall conduct, or shall hereafter be~~
5 ~~constructed, established, or authorized to conduct, any business~~
6 ~~unless there is in connection therewith in the same fireproof~~
7 ~~building or structure or in a separate fireproof building within the~~
8 ~~same cemetery, either:~~

9 ~~A columbarium, a burial park or mausoleum amply equipped at~~
10 ~~all times for the interment of remains of bodies cremated at the~~
11 ~~crematory.~~

12 SEC. 25. Section 8344 of the Health and Safety Code is
13 amended to read:

14 8344. A crematory shall maintain an identification system
15 allowing identification of each decedent beginning from the time
16 the crematory accepts delivery of human remains until the point
17 at which it releases the cremated remains to a third party. After
18 cremation, an identifying disk, tab, or other permanent label shall
19 be placed within the urn or cremated remains container before the
20 cremated remains are released from the crematory. Each
21 identification disk, tab, or label shall *contain the license number*
22 *of the crematory and shall* have a unique number that shall be
23 recorded on all paperwork regarding the decedent's case and in
24 the crematory log. Each crematory shall maintain a written
25 procedure for identification of remains. *These identification*
26 *requirements shall not apply to cremated remains placed in a*
27 *keepsake urn pursuant to subdivision (b) of Section 7054.6 if space*
28 *does not permit.*

29 On or after March 1, 1994, any crematory that fails, when
30 requested by an official of the bureau to produce a written
31 procedure for identification of remains, shall have 15 working
32 days from the time of the request to produce an identification
33 procedure for review by the chief of the Cemetery and Funeral
34 Bureau. The license of the crematory shall be suspended pursuant
35 to Chapter 5 (commencing with Section 11500) of Part 1 of
36 Division 3 of Title 2 of the Government Code, if no identification
37 procedure is produced for review after 15 working days have
38 elapsed.

39 SEC. 26. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

O